PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Craig Basson	Examiner:	Ungar, Susan NMN
Serial No.:	10/027,059	Group Art Unit:	1646
Filed:	October 25, 2001	Confirmation No.:	9868
For:	TRANSCRIPTION FACTORS THAT REGULATE NORMAL AND MALIGNANT CELL GROWTH	Docket:	955-12
		Dated:	April 17, 2003

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Date: 4/17/03

Signature: Barbara Kemmleini/

Commissioner for Patents
Washington, DC 202310001

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Office Action dated March 25, 2003 issued by the Examiner for the above-referenced matter. In the Office Action, the Examiner has required restriction under 35 U.S.C. §121 between one of the following groups, which the Examiner has identified as distinct inventions:

Group 1. Claims 1-8, drawn to a polypeptide fragment classified in class 530, subclass 300+;

Group 2. Claims 9-22, drawn to a polynucleotide encoding the fragment of Group 1, an expression vector and host cell, classified in class 536, subclass 23.1, class 435, subclasses 69.1, 252.3;

Group 3-19. Claims 23-24, 32, drawn to a method of inhibiting cell proliferation comprising introducing a polypeptide into the cell, *ex vivo* wherein the polypeptide is introduced, wherein the cell is malignant, wherein the cell is one of the 16 tissues claimed in claim 30;

Group 20-35. Claims 23-24, 33, drawn to a method of inhibiting cell proliferation comprising introducing a polypeptide into a cell, *in vivo* wherein the polypeptide is introduced, wherein the cell is not malignant, and wherein the cell is one of the 16 tissues claimed in claim 30;

Group 36-45. Claims 23-24, 28-29, 31-32, drawn to a method of inhibiting cell proliferation comprising introducing a polypeptide into a cell, *ex vivo* wherein the polypeptide is introduced, wherein the cell is malignant, and wherein the malignant cell is one of the 9 malignant cell types claimed in claim 29;

Group 46-54. Claims 23-24, 28-29, 31, 33, drawn to a method of inhibiting cell proliferation comprising introducing a polypeptide into the cell, *in vivo* wherein the polypeptide is introduced, wherein the cell is malignant, wherein the malignant cell is one of the 9 malignant cell types claimed in claim 29;

Group 55. Claims 35-43, drawn to a method for identifying drug candidates classified in class 435, subclasses 4, 6, 7.1;

Group 56. Claims 44-47, 48, 53, 55, drawn to a method of stimulating the growth of heart cells comprising contacting the heart cells with an antagonist of the 5'T-box sequence of the TBX5 gene wherein the antagonist is an antisense construct wherein the growth is stimulated *ex vivo*;

Group 57. Claims 44-47, 48, 53-55, drawn to a method of stimulating the growth of heart cells comprising contacting the heart cells with an antagonist of the 5'T-box sequence of the TBX5 gene wherein the antagonist is an antisense construct wherein the growth is stimulated *in vivo*; wherein the patient has suffered a heart attack;

Group 58. Claims 44-48, 53-55, drawn to a method of stimulating the growth of heart cells comprising contacting the heart cells with an antagonist of the 5'T-box sequence of the TBX5 gene wherein the antagonist is an antisense construct wherein the growth is stimulated *in vivo*, wherein the patient is affected by cardiomyopathy;

Group 59. Claims 55-57, drawn to a method of stimulating the growth of heart cells comprising contacting heart cells with an antagonist of the 5'T-box sequence of the TBX5 gene wherein the antagonist is a peptide antagonist;

Group 60. Claims 58-62, drawn to a method of identifying drug candidates that stimulate heart cells comprising determining whether compounds bind to TBX5;

Group 61. Claims 63-67, drawn to a method of identifying drug candidates that stimulate heart cells comprising determining whether compounds act as antagonists of the 5'T-box sequence of the TBX5 gene;

Group 62. Claims 63-67, drawn to a method of identifying drug candidates that stimulate heart cells comprising determining whether compounds act as antagonists of amino acids encoded by the 5'T-box sequence of the TBX5 gene; and

Group 63. Claims 68-69, drawn to a monoclonal antibody.

Additionally, the Examiner indicates that Groups 56-58 are further subject to an election of a single disclosed species. In particular, claim 44, which is contained within these groups, is alleged to be generic to a plurality of disclosed patentably distinct species comprising heart cells

with different structures and functions, wherein the heart cells are myocytes, fibroblasts, endothelial cells, or cardiac stem cells.

Applicant provisionally elects to prosecute Group 1, claims 1-8, which are drawn to an isolated TBX5 polypeptide fragment.

Applicant respectively requests that consideration of all the claims in selected Group 1 be commenced. If the Examiner has any questions with respect to this matter, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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